

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK BANKS,)
Plaintiff,)
v.) Civil Action No. 07-336
PITTSBURGH TRIBUNE REVIEW;)
PUBLISHER, TRIBUNE REVIEW; and)
EDITOR, PITTSBURGH TRIBUNE REVIEW,)
Defendants.)
Judge Gary L. Lancaster/
Magistrate Judge Amy Reynolds Hay

MEMORANDUM ORDER

The above-captioned prisoner civil rights action was received by the Clerk of Court on March 16, 2007, and was referred to the United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrate Judges.

The Magistrate Judge's Report and Recommendation, Dkt. [2], filed on April 3, 2007, recommended that the complaint be dismissed pursuant to the PLRA screening provisions for failure to state a claim upon which relief can be granted. Service was made on the Plaintiff at FCC Yazoo City (Low), P.O. Box 5000, Yazoo City, MS 39194-5000, which was the address listed on the docket. Plaintiff was informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.1.4(B) of the Local Rules for Magistrate Judges, he had ten (10) days to file any objections. Plaintiff filed objections. Dkt. [3]. The Court finds that none of the objections is persuasive.

After review of the pleadings and the documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 2nd day of May, 2007;

IT IS HEREBY ORDERED that the complaint is **DISMISSED** pursuant to the PLRA.

IT IS FURTHER ORDERED that the Report and Recommendation, Dkt. [2], filed on April 3, 2007, is adopted as the opinion of the court.

Furthermore, Plaintiff's motion to amend, Dkt. [4], is hereby **DENIED** as futile.

Lastly, the court certifies pursuant to 28 U.S.C. § 1915(a) that any appeal from this order would not be taken in good faith.



Gary L. Lancaster
United States District Judge

cc: Hon. Amy Reynolds Hay
United States Magistrate Judge

Frederick Banks
05711-068
FCC Yazoo City (Low)
P.O. Box 5000
Yazoo City, MS 39194-5000